

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAVID TYRONE HILL : CIVIL ACTION # **1:06CV0379**

V.S.

William A. Mason et al. : JUDGE

JUDGE ALDRICH

Kenneth Kochevar et al.

MAG. JUDGE BAUGHMAN

Twilla Wilson et al. : COMPLAINT

Brian William : Physical abuse of prisoner under

Joseph Comangan : color of law - Abuse of the

ATF Officer Rosand et al. judicial process - lost documents

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment.

B. Describe lawsuit

1. Petitioner: DAVID T. HILL

Respondent: KHELLEN KONTCH

2. Court: UNITED STATES DISTRICT COURT, NORTHERN DISTRICT

3. Docket Number: 1:05-cv-1173

4. JUDGES: BOYKO and Magistrate Baughman.

5. Disposition: still pending due to discriminatory practices

6 DATE OF FILING: May 10, 2005.

II. PLACE OF PRESENT CONFINEMENT

Toledo Correctional Institution, 2001 E. Central Ave. Toledo OH.

A. YES, there is a prisoner grievance procedure

B. YES, Plaintiff presented facts to prisoner grievance procedure

C. Plaintiff filed Informal Complaint Resolution, asked for formal complaints but have been ignored. Talked to Ohio State Patrol Officer that did not file an Incident Report, wrote Chief Institutional Inspector.

D. Nothing has come from plaintiff complaint and a campaign of harassment has only intensified from Institution to Institution.

III. PARTIES

Plaintiff: DAVID TYRONE HILL #452704
Toledo Correctional Institution
2001 East Central Ave., Toledo, Ohio 43608

Defendants: Cleveland Police Officers

P.O. Jeffrey Weaver

P.O. Richard Dure?

Names followed by / checks may be pseudonyms

Additional Defendants: All the other Police and departmental affiliates that assisted Prosecution in creating, trumped-up infamous crimes in the courtroom, under false pretense.

Defendant Perry Kendall Jr. (00662977) is employed as a assistant County Prosecutor at the Justice Center 1200 Ontario St. Cleveland, Ohio 44113

Defendants HTF ROSARIO, HTF TOLLEY et al, Cpl Brian Williams V, Cpl Harris and Cpl Moore, & Joseph Corrigan are employed as officers of the courts at Cuyahoga County Corrections Center.

Defendants KHELLEH KOUTEH et al are employed as Warden at Toledo Correctional Institution.

STATEMENT OF CLAIM

On October 29, 2002, Police officers Jeffrey Weaver and Richard Duestl initially beat Plaintiff then concealed his whereabouts from Society. Then on November 14, 2002 Plaintiff was re-arrested under fraudulent pretenses and charged with trumped-up infamous crimes that were based on unlawful Police Practices.

Prosecution then investigated crimes allegedly committed by the plaintiff and filed false crime reports; then had indictments stamped by the grand jury and given to Plaintiff for crimes he was never charged; Cause in actuality the Prosecution was secretly detaining Plaintiff on a unrelated MURDER charge. That was dismissed years ago.

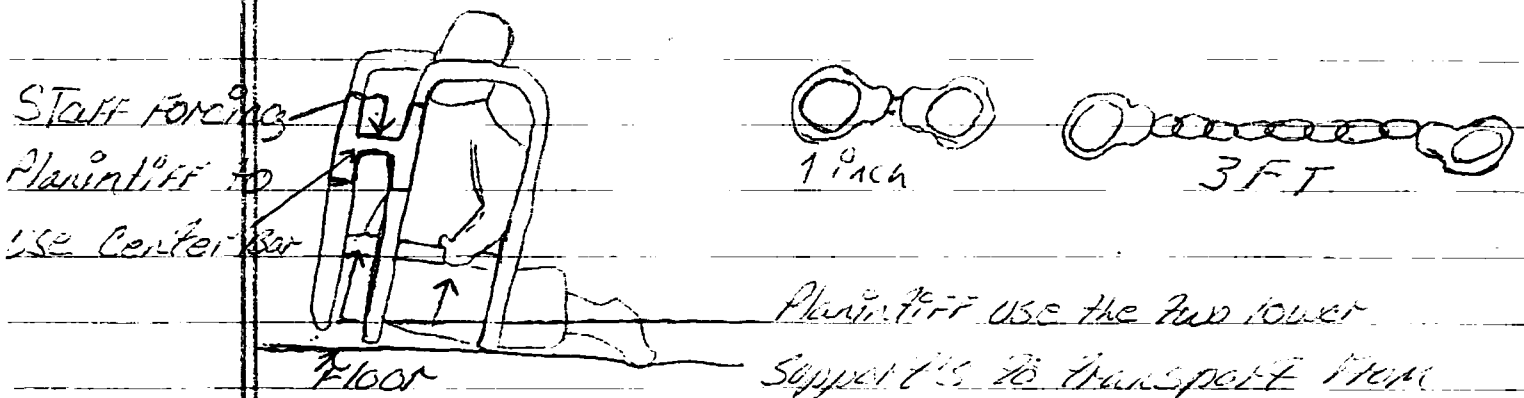
In order to facilitate this hoax the Prosecution had Officers of the Court take photos of the actual crime scene; the stamped indictment, but they only took half of it. and ATF Officer Resatic took my legal work before trial. On Aug 25-28 2003.

On April 13 2004 Plaintiff was brought back to Cuyahoga County Correction center to address re-sentencing hearing and post conviction process. On April 14, 2004. Brian Williams and others came in to Plaintiff Cell brutally beat Plaintiff for no reason. Causing him to use wheelchair.

On May 10, 2005. Plaintiff was brought back to Cuyahoga County correction center for resentencing again and was placed in non wheelchair accessible facilities when Plaintiff protested Cpl Harris and Cpl Moore 21d beat Plaintiff again.

On November 28, 2005, Medical Staff at Toledo Correctional Institution forced Plaintiff in to medical treatment during court proceedings, when the "walker" the apparatus Plaintiff was forced to use was beyond his capabilities in 15 minutes Plaintiff was placed in punitive segregation followed by a campaign of harassment and neglect as follows

1. Twilla Wilson is forcing Plaintiff to use walker
2. Various Guards keep handcuffing Plaintiff with 1" cuffs and telling RIB Judge Plaintiff is refusing to go back to population? When 99% of the low blos are handcuffed ^{that can't be use in segre-} ~~gation~~
3. Sgt. Foster tells Plaintiff he don't want to hear about my shit about access to courts and Fuck the Federal Government when Plaintiff ask for help
4. Case manager Coleman claim he is going to look into why not ^{for} Kite are Notary public service are going unanswered but never does anything.
5. Warden K. Hellen Konteh deliberate indifference has staff's treatment of Plaintiff
6. Mailroom staff are giving Plaintiff Postdate mail delays late without a receipt or record and cutting Plaintiff envelope with a razor thereby rendering useless for sending legal work



Plaintiff use the two lower supports to transport them place to place, it allowed physical therapy Plaintiff could strengthen lower extremities and legs. But Twilla Wilson HCS, et al from Toledo Correctional Inst Medical Staff are forcing Plaintiff to use apparatus beyond his physical capabilities. Then punishing Prisoner Hill #452764 for his ^{insub} and deprived Hill of his liberty during court proceedings and Khellal Konteh deliberate indifference to the treatment of Prisoner Hill denied him due process of law in violation of the Fourteenth Amendment.

The actions of Defendants Williams, Corrigan, Tomley, Harris, Moore, in using physical force against Hill without need or provocation or failing to intervene to prevent the misuse of force, were done maliciously and sadistically and constituted cruel and unusual punishment in violation of the Eighth Amendment.

Wherefore Hill request that the court grant the following relief by issuing:

A. An declaratory Judgment stating that

1. The physical abuse of the plaintiff by defendants ^{maybe pseudonyms} [Williams, Corrigan, Tompco, Harris, Moore et al.

2. And the emotional injury resulting from defendants Kocher et al. Money et al. Korzeb, Wilson et al.

3. The selective/vindictive/malicious prosecution of Perry Kendall et al., violated the plaintiff's rights under the Eighth & Fourteenth Amendments to the United States Constitution and constituted an Assault and Battery and Denial of Due Process and Cruel and Unusual Punishment.

B. Issue an Injunction ordering Federal Counsel to litigate above entitled 1983 Civil action and related writ of Habeus Corpus.

1. Issue an injunction ordering Defendant Wilson et al., medical staff at Toledo Correctional Institute to stop forcing Plaintiff to engage in un-requested medical treatment's during court proceedings and then falsifying documents that cause punitive segregation that is denying Plaintiff's liberty interest to be in General Population and access to legal resources necessary to litigate his case.

2. Issue an injunction ordering release of the Plaintiff from Punitive Segregation and place him in general Population with restoration of all rights and privileges
3. Expunge the disciplinary convictions described in this Complaint from the Plaintiff's institutional record because their being used to fraudulently raise Plaintiff's security level were it is alleged Plaintiff will be beaten to death before the merits of his writ are heard.
4. Issue an injunction ordering all proceedings for case # CR-451972 ZA be stayed indefinitely Plaintiff don't want case appealed or to return to Cuyahoga County correction center.
5. Issue an injunction ordering all proceedings for Plaintiff Writ of Habeas Corpus be held while in Toledo Correctional Inst. by sending Warden Khelley Kentek a certified letter that Plaintiff is in the middle of proceedings.
6. Issue an injunction ordering all institutional staff at whatever location Plaintiff is held to video tape all cell extractions and consecutive punitive acts that continuously deny Plaintiff liberty and access to the courts also to stop staff members from reading Plaintiff legal work then structuring a campaign of harassment with the information gained by hold legal work for weeks before returning it to Plaintiff

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ~~one~~: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground ~~one~~, explain why: _____

(c) Direct Appeal of Ground ~~one~~:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Award compensatory damages in the following amounts:

Jointly and severally against defendants Williams, Corrigan, Tomley et al. for the physical and emotional injuries sustained as a result of the Plaintiff 1st beating.

Jointly and severally against defendants Harris, Moore et al. for the physical and emotional injuries sustained as a result of the Plaintiff 2nd beating.

Jointly and severally against defendants Kendall, Rosario, for the punishment and emotional injury resulting from their denial of due process.

Jointly and severally against defendants Wilson, et al. for the punishment and emotional injury resulting from their denial of due process in connection with Plaintiff disciplinary proceedings.

Jointly and severally against defendants Kochevar et al. Konteh et al. for the punishment and physical and emotional injury resulting from their failure to provide adequate wheelchair accessible facilities.

Award punitive damages in the following amounts:

\$200,000 each against defendants Williams,
Corrigan, Tamley et al.:

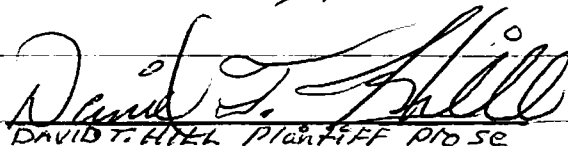
\$20,000 each against defendants Harris, Moore;

\$1 Million each against defendants Kendall, Rosario;

\$40,000 per year each against defendants Wilson, et al.


\$20,000 each against defendant Kocher et al and
Kontek et al.

Signed this 4th day of February, 2006.


DAVID T. HILL Plaintiff Pro Se

I declare under the penalty of perjury that the fore-
going is true and correct.

02/04/06


DAVID T. HILL #452704- Plaintiff Pro Se
Toledo Correctional Inst.
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Toledo, OH 43608-80033.